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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,364	12/20/1999	Xiaode Xu	2821.1000000	2283

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/467,364

Applicant(s)

XU ET AL.

Examiner

Kamran Emdadi

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.                      6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-10 are objected to because of the following informalities:

- The last paragraph of claim 1 contains reads: “routing the message **directly** to the respective connection management, mobility management, or radio resource management functional layer, **directly** and without passing the message between functional layers.”
- The use of the term “directly” is used twice and what appears to be in a redundant arrangement.
- The phrase: “without passing the message between functional layers” does not provide adequate interpretation as to how the invention is supposed to pass the message without going in between functional layers, it is assumed that the functional layers are referring to the three layers mentioned in the same paragraph; however, the “between” portion is unclear as to how the message can or cannot be passed with or without being “between” layers, if the applicant is looking to pass the message: without going through any other layer (just the one of interest is having the message passed through) than that must be explained in further detail as to exactly how the message is sent without interfering with any other layer, or the “between” portion must be expanded for further clarification, the examiner will assume the broadest interpretation of this phrase that can be interpreted while examining this claim. Appropriate correction is required.

Art Unit: 2664

- Claim 5 contains the phrase: "without stepping through" the examiner does not understand if the applicant's intention is to undergo processing of the signal "without any intervention" of other layers or something of a lesser degree. The phrase is uncertain to the examiner and the broadest interpretation will be assumed regarding the phrase, appropriate action is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by McGowan et al. (US Patent No. 5937345).
  - Regarding claims 1, 2, 10 McGowan teaches: a mobile station 314 communicating at the signaling layer 206 (network layer respectively) (Figure

Art Unit: 2664

2A), where the message sent goes through the RR (Radio Resource), MM (Mobility Management) and Call connection unit which is part of the CM (Connection Management) unit 306 (Col 4, lines 56-57) and (Col 5, lines 15-20).

- Regarding claim 3, the lower levels 204 and 202 are shown as part of the routing process employed by the message routing system 200.
- Regarding claims: 4, 7 and 8 McGowan teaches: routing first to a RR function then to a MM function then getting to the CM portion of the system (follow the arrow direction of data flow), coming from an uplink direction from a mobile station 314 (Figure 3).
- Regarding claims 5 and 6, McGowan teaches: the downlink message is shown to travel from the CM portion of the layers of the system to the call interception unit 412 in the direction of the mobile station 426, no where is any acknowledgement required in this system (Figure 5).
- Regarding claim 9, McGowan teaches: an MSC in the system of this embodiment (Figure 3) and (Col 2, line 63), and a BSC 124, and BTS 122, (Col 3, lines 32-33).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Lupien et al. (US Patent No. 6463055) GPRS system.
  - Grilli et al. (US Patent No. 6438117) Base station synchronization for GSM.
  - Parker et al. (US Patent No. 6374110) Cellular and wireless mobility unit.
  - Havinis et al. (US Patent No. 6311069) Mobile subscriber positioning unit.

Art Unit: 2664

- Abbadessa et al. (US Patent No. 6181682) Network discovery for cellular.
- Havinis (US Patent No. 6104932) Mobile subscriber positioning unit.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

04/16/2003

KWANG BIN YAO  
PRIMARY EXAMINER

